



DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY CYBER CENTER OF EXCELLENCE
AND FORT GORDON
506 CHAMBERLAIN AVENUE
FORT GORDON GEORGIA 30908-5735

MAR 8 2015

ATZH-CG

MEMORANDUM FOR ALL MILITARY AND CIVILIAN PERSONNEL

SUBJECT: Commanding General's Policy Memorandum Number 14 – Sexual Harassment/Assault Response & Prevention (SHARP) Program

1. References:

- a. National Defense Authorization Act (NDAA), Fiscal Year 2014, codified as 10 U.S.C. § 1044e (Special Victim Counsel, Appendix D).
- b. Department of Defense Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, Incorporating Change 2, 20 Jan 15.
- c. Department of Defense Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 Mar 13.
- d. AR 600-20, Army Command Policy, Chapters 6, 7, 8, and Appendix C, 22 Oct 14.
- e. AR 27-10, Military Justice, 3 Oct 11.
- f. AR 350-1, Army Training and Leader Development, 19 Aug 14.
- g. Army Directive 2011-19, Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault, 3 Oct 11.
- h. HQDA EXORD 221-12 2012, Sexual Harassment/Assault Response & Prevention (SHARP) Program Synchronization Order, 23 Jun 12.
- i. FRAGO 1 to HQDA EXORD 221-12 2012, SHARP Program Synchronization Order, 05 Dec 12.
- j. FRAGO 2 to HQDA EXORD 221-12 2012, SHARP Program Synchronization Order, 27 Dec 12.

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum #14 – Sexual Harassment/ Assault Response & Prevention (SHARP) Program

k. FRAGO 3 to HQDA EXORD 221-12 2012, SHARP Program Synchronization Order, 17 Dec 13.

l. MILPER 14230, Transfer or Reassignment Procedures for Victims of Sexual Assault, 21 Aug 14.

m. ALARACT 188/2014, HQDA EXORD 193-14, Screening of Sexual Harassment/ Assault Response and Prevention Program Personnel and Others in Identified Positions of Significant Trust, 26 Jul 14.

n. ALARACT 135/2013, HQDA EXORD 149-13, Sexual Harassment/Assault Response & Prevention Program Army Workplace Inspection, 21 May 13.

o. MEDCOM Reg 40-36, Medical Facility Management of Sexual Assault, 21 Jan 09.

p. TRADOC Sexual Harassment/Assault Response & Prevention (SHARP) Program Policy, Letter #23, 21 Apr 14.

2. Sexual harassment and sexual assault is incompatible with military and government civilian values and will not be tolerated on Fort Gordon. This command is committed to the Sexual Harassment/Assault Prevention & Response Program (SHARP) as a means to ensure that each individual in the Fort Gordon community is afforded an environment of trust where sexual harassment and sexual assault cannot exist. Commanders will foster and implement an environment of dignity and respect where men and women who have received unwanted and abusive sexual experiences feel safe in reporting and trust their leadership to take appropriate action.

3. Leaders will hold personnel who commit these acts appropriately accountable. Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat, abuse of authority, or when the victim does not, or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious. Sexual assault is punishable under the Uniformed Code of Military Justice (UCMJ), Federal laws, and State laws.

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum #14 – Sexual Harassment/
Assault Response & Prevention (SHARP) Program

4. Prevention of sexual harassment or assault may be achieved through immediate intervention of any unprofessional act that is perceived to be sexual in nature. Bystanders should speak up and stop sexual harassment at an early stage before potential sexual assault activities develop. All allegations of sexual harassment must be taken seriously and investigated promptly. SHARP personnel will assist individuals who experience sexual harassment to resolve the issue at the lowest level possible with an informal complaint or through the formal complaint process. DOD and DA (DOD/DA) Civilian complaints of sexual harassment will be investigated and processed IAW the EEO Program and AR 690-600.

5. Anyone with knowledge of a sexual assault should report it immediately. Fort Gordon has victim advocates standing by 24 hours a day to help and assist at **(706) 791-6297**. All personnel have a responsibility to know the sexual assault policies and the reporting procedures. Victims of sexual assault may make either a restricted or unrestricted report.

a. **Restricted Reporting** allows someone who has endured unwanted or abusive sexual experiences, on a confidential basis, to disclose the details of his/her assault, receive medical treatment and counseling, all without triggering the official investigative process. Victims who are sexually assaulted and desire restricted reporting under this policy should report the assault via the 24/7 Fort Gordon SHARP hotline to a Victim Advocate at **(706) 791-6297** or to the following specific individuals to maintain confidentiality: SHARP Sexual Assault Response Coordinator (SARC), unit appointed Victim Advocate (VA), Chaplain, Special Victim's Counsel, or an on post healthcare provider. Forensic exams are available during a restricted report and all evidence collected is currently being stored indefinitely on Fort Gordon for possible future use at trial if the unrestricted option is later chosen. Those not ready to talk to someone face to face are still encouraged to seek answers and help using the DOD Safe Helpline at **(877) 995-5247** or Military One Source at **(800) 342-9647**.

b. **Unrestricted Reporting** allows someone who has endured unwanted or abusive sexual experiences to receive medical treatment, counseling, and triggers an official investigation into the sexual assault. Victims may make an unrestricted report via the Fort Gordon SHARP hotline or to a SHARP specialist, Chaplain, healthcare provider, law enforcement, or the Chain of Command. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum #14 – Sexual Harassment/
Assault Response & Prevention (SHARP) Program

c. Service members and their Family members age 18 or older are eligible for SHARP services. Victims who are minors or anyone with knowledge of an assault on a minor are encouraged to call the Domestic Violence hotline at **(706) 791-7867**. Assistance off post can be found at the Rape Crisis and Sexual Assault Services (RCSAS) located in University Hospital downtown Augusta and can be reached at **(706) 724-5200**. RCSAS provides help at no cost for victims of sexual assault and their families regardless of how long ago the abuse occurred or whether it was reported. SHARP representatives will refer those individuals who are not authorized SHARP services to one of the above agencies. DOD/DA Civilians are eligible for SHARP services for sexual assault when deployed, and when assigned to some locations outside of the continental United States (OCONUS), but not in the continental United States (CONUS). Those who meet the criteria above and seek assistance are entitled to a full range of support services. Those who do not meet the criteria above for SHARP specific services may still be eligible for a host of medical, legal and investigative assistance and are still encouraged to call the SHARP hotline **(706) 791-6297** in order to verify eligibility and obtain referrals.

6. Commanders must report sexual assault incidents to the Installation Sexual Assault Response Coordinator (ISARC), the Criminal Investigation Division (CID), and the Office of the Staff Judge Advocate (OSJA). Serious Incident Reports are created and submitted for every report regardless of the occurrence date of the incident. I expect everyone to assist in maintaining a command climate in which sexual assault victims do not feel inhibited from reporting incidents. Commanders must determine, in a timely manner, how to best dispose of alleged victim collateral misconduct, to include making the decision to defer the disciplinary actions regarding such misconduct until after the final disposition of the sexual assault case. Commanders and supervisors should take into account the trauma to the victim and respond appropriately to encourage reporting of sexual assault and the continued cooperation of the victim. Leaders should assure victims that every effort will be made to ensure his/her safety.

7. Sexual Assault Clinical Providers and Sexual Assault Care Coordinators are available through our Fort Gordon military treatment facilities. They provide emergency and follow-up medical and behavioral care, treat injuries, and provide referrals as needed. Sexual Assault Medical Forensic Examiners are medical healthcare personnel on Fort Gordon authorized to perform the Sexual Assault Forensic Examination on both victims and alleged offenders. The examination includes gathering information from the patient for the medical forensic history; an examination; coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient; documentation of findings; information, treatment, and referrals for

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum #14 – Sexual Harassment/
Assault Response & Prevention (SHARP) Program

sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and follow-up as needed to provide additional healing, treatment, or collection of evidence. You can page a medical Sexual Assault Care Coordinator 24 hours a day at (706) 830-6666.

8. Special Victim Counsel (SVC) on Fort Gordon provides victims with confidential legal representation related to issues that may arise as a result of being a victim of a sex-related offense. An individual eligible for military legal assistance under 10 U.S.C.S. § 1044 who makes a restricted or unrestricted report of an alleged sex-related offense shall be offered the option of receiving assistance from an SVC. Receiving assistance or advice from an SVC is not required, and a victim should elect whether they would like to speak to an SVC. Discussing a restricted report with an SVC does not make it unrestricted. If a victim is represented by an SVC, any agency involved with the investigation or adjudication of the underlying sex-related offense shall coordinate with the SVC to speak with the victim. Attorneys, to include trial and defense counsel, will adhere to the requirements of Army Regulation 27-26 and the code of professional responsibility of their respective state bar(s). Law enforcement agencies seeking to interview the victim must coordinate through the SVC. However, a victim may voluntarily waive this requirement and elect to meet with law enforcement without the SVC present. Commanders remain overall responsible for the health and welfare of the service members in their unit. Nothing in this policy should be interpreted to conflict with, restrain, or otherwise reduce this responsibility. Commanders may not talk with victims about the facts and circumstances concerning the allegations for which the victim sought representation. If a commander wants to talk with the victim about such represented matters, the commander must coordinate with the SVC, unless the commander determines that he or she must discuss these matters with the victim in order to take actions to ensure the safety and well-being of the victim. A victim may voluntarily waive this requirement and elect to discuss the substance of the allegations without the SVC present. You can reach the SVC 24 hours a day at (706) 791-3381.

9. We must work to prevent sexual assault. Passionate, challenging, and dynamically presented education coupled with leadership example and engagement is essential to ensure bystander intervention. Facilitators who lead face to face SHARP training for units and organizations must be approved and vetted by their leaders. Leaders and managers at all levels will ensure Servicemembers and Civilians for whom they are responsible are trained on the SHARP training support package annually. The chain of command and other leaders (commander, CSM, SGM, 1SG, civilian supervisors, and others) must either lead or be present and participate in unit SHARP training sessions. Commanders will also ensure that SHARP training is fully integrated into newcomer's

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum #14 – Sexual Harassment/
Assault Response & Prevention (SHARP) Program

briefs, training courses, holiday/ weekend safety briefings, and before, during, and after deployment operations. Commanders, Command Sergeants Major, and First Sergeants will coordinate with their unit SARC to receive a sexual assault briefing within 45 days of taking their position. Commanders will ensure that rated Soldiers are assessed on fostering climates of dignity and respect, and adhering to the SHARP Program, as a part of each Officer/Noncommissioned Officer Evaluation Report (OER/NCOER).

10. Command teams will protect individuals who file complaints from actual or perceived intimidation, harassment, or reprisal. Fort Gordon remains dedicated to strengthening its culture and reinforcing positive command climates where the behaviors and attitudes that lead to sexual offenses are rare and victims feel free to report without fear of retaliation. This current insider threat requires alertness and active support from each person in the Fort Gordon community. Every team member must have the courage to intervene no matter the time or place.

11. Point of contact for this policy letter is the Fort Gordon Installation SHARP office at (706) 791-8431.

1 Encl
as



STEPHEN G. FOGARTY
Major General, USA
Commanding

This memorandum supersedes Commanding General's Policy Memorandum No. 14 – Sexual Assault Prevention and Response Program, dated 21 August 2012.

ATZH-CG

SUBJECT: Commanding General's Policy Memorandum #14 – Sexual Harassment/
Assault Response & Prevention (SHARP) Program

